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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,248	07/23/2003	Shawn E. Pederson	566/57	9294
23638	7590	12/29/2005	EXAMINER	
ADAMS EVANS P.A. 2180 TWO WACHOVIA CENTER CHARLOTTE, NC 28282			DONDERO, WILLIAM E	
			ART UNIT	PAPER NUMBER
			3654	
DATE MAILED: 12/29/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/625,248

Applicant(s)

PEDERSON ET AL.

Examiner

William E. Dondero

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 1-14 and 28-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 15-23 and 25-27 is/are rejected.
- 7) ☒ Claim(s) 24 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/17/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Group II (Claim 15-27) drawn to a method for forming an enlarged base on a yarn carrier in the reply filed on 29 March 2005 is acknowledged.

Claims 1-14 and 28-30 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 29 March 2005.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 15, 17, 18, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Robinson & Sons Limited. Regarding Claim 15, Robinson & Sons Limited discloses a method for forming an enlarged base on a yarn carrier comprising the steps of providing a paper carrier 7 defining an inner surface and an outer surface on opposite sides thereof, and at least one end of the yarn carrier folded inwardly to form a rolled over portion 12 on the inner surface at a terminal portion of the yarn carrier; providing a chuck 16 having a recess (shown but not numbered) therein shaped to receive the terminal portion of the yarn carrier outwardly upon rotating the chuck;

positioning the terminal portion of the yarn carrier into the recess of the chuck; and rotating the chuck whereby the diameter of the terminal portion of the yarn carrier wall is extended outwardly and molded to form an enlarged base on the yarn carrier (Figures 4C and 4D; Page 4, Lines 11-19). Regarding Claim 17, Robinson & Sons Limited further discloses the step of providing a paper yarn carrier comprises a cylindrical paper yarn carrier 7 defining an inner surface and an outer surface on opposite sides thereof, and at least one end of the yarn carrier folded inwardly to form a rolled over portion 12 on the inner surface at a terminal portion of the yarn carrier (Figures 4C and 4D; Page 4, Lines 11-19).

Regarding Claim 18, Robinson & Sons Limited disclose a method for forming an enlarged base on a yarn carrier comprising the steps of providing a paper carrier 7 defining an inner surface and an outer surface on opposite sides thereof, and at least one end of the yarn carrier folded inwardly to form a rolled over portion 12 on the inner surface at a terminal portion of the yarn carrier; positioning a die 15 against the outer surface at the terminal portion of the yarn carrier, the die defining a recess (shown but not numbered) for receiving the terminal portion of the yarn carrier, the recess shaped and sized to correspond to a desired shape and diameter of the enlarged base; and positioning a molding mechanism 16 within the yarn carrier at the terminal portion for inserting the terminal portion into the recess of the die to mold the enlarged base on the yarn carrier (Figures 4C and 4D; Page 4, Lines 11-19). Regarding Claim 22, Robinson & Sons Limited further disclose the step of providing a paper yarn carrier comprises a cylindrical paper yarn carrier 7 defining an inner surface and an outer surface on

opposite sides thereof, and at least one end of the yarn carrier folded inwardly to form a rolled over portion 12 on the inner surface at a terminal portion of the yarn carrier (Figures 4C and 4D; Page 4, Lines 11-19).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 16 rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson and Sons Limited as applied to claim 15 above, and further in view of Gazette.

Robinson and Sons Limited are silent about the step of maintaining said yarn carrier in a stable position as the chuck rotates by frictionally engaging the yarn carrier with a clamp. However, Gazette disclosing a clamp 14 for holding a container (Figure 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to add the clamp as taught by Gazette to the device of Robinson and Sons Limited to stabilize the yarn carrier while the chuck is rotating preventing any undesirable damage to the base of the yarn carrier which could damage the yarn.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson & Sons Limited as applied to claim 18 above, and further in view of Gazette. Robinson and Sons Limited are silent about the step of maintaining said yarn carrier in a stable position as the chuck rotates by frictionally engaging the yarn carrier with a clamp. However, Gazette disclosing a clamp 14 for holding a container (Figure 2). It

would have been obvious to one of ordinary skill in the art at the time the invention was made to add the clamp as taught by Gazette to the device of Robinson and Sons Limited to stabilize the yarn carrier while the chuck is rotating preventing any undesirable damage to the base of the yarn carrier which could damage the yarn.

Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson & Sons Limited as applied to claim 18 above, and further in view of Harrison. Regarding Claim 19, Robinson & Sons Limited are silent about a plunger comprising a front end having a diameter less than the terminal portion of the yarn carrier and graduating to a rear end having a diameter greater than the terminal portion of the yarn carrier. However, Harrison discloses a plunger 9 comprising a front end (shown but not numbered) having a diameter less than a terminal portion of a tube and graduating to a rear end (shown but not numbered) having a diameter greater than the terminal portion of the tube whereby the plunger frictionally engages an inner surface at a terminal portion and urges the terminal portion outwardly (Figure II). It would have been obvious to one of ordinary skill in the art to use the plunger to urge the terminal portion outwardly as taught by Harrison into the recess of the die of the device of Robinson & Sons Limited to ensure even distribution of the force pushing the rolled over portion into the die to prevent any possible unevenness in the diameter of the enlarged base.

Regarding Claim 20, Robinson & Sons Limited are silent about a plunger rotating on a longitudinal axis and comprising a front end having a diameter less than the terminal portion of the yarn carrier and graduating to a rear end having a diameter greater than the terminal portion of the yarn carrier. However, Harrison discloses a

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plunger 9 rotating on longitudinal axis and comprising a front end (shown but not numbered) having a diameter less than a terminal portion of a tube and graduating to a rear end (shown but not numbered) having a diameter greater than the terminal portion of the tube whereby the plunger frictionally engages a inner surface at a terminal portion and urges the terminal portion outwardly (Figure II). It would have been obvious to one of ordinary skill in the art to use the plunger to urge the terminal portion outwardly as taught by Harrison into the recess of the die of the device of Robinson & Sons Limited to ensure even distribution of the force pushing the rolled over portion into the die to prevent any possible unevenness in the diameter of the enlarged base.

Claims 23, 25, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson & Sons Limited in view of Harrison. Regarding Claims 23 and 25, Robison & Sons Limited disclose a method for forming an enlarged base on a yarn carrier comprising the steps of providing a paper carrier 7 defining an inner surface and an outer surface on opposite sides thereof, and at least one end of the yarn carrier folded inwardly to form a rolled over portion 12 on the inner surface at a terminal portion of the yarn carrier; and positioning a die 15 against the outer surface at the terminal portion of the yarn carrier, the die defining a recess (shown but not numbered) for receiving the terminal portion of the yarn carrier, the recess shaped and sized to correspond to a desired shape and diameter of the enlarged base (Figures 4C and 4D; Page 4, Lines 11-19). Robinson & Sons Limited are silent about a plunger comprising a front end having a diameter less than the terminal portion of the yarn carrier and graduating to a rear end having a diameter greater than the terminal portion of the yarn

carrier. However, Harrison discloses a rotatable plunger 9 comprising a front end (shown but not numbered) having a diameter less than a terminal portion of a tube and graduating to a rear end (shown but not numbered) having a diameter greater than the terminal portion of the tube whereby the plunger frictionally engages an inner surface at a terminal portion and urges the terminal portion outwardly (Figure II). It would have been obvious to one of ordinary skill in the art to provide the plunger, insert the plunger into the yarn carrier and rotate the yarn carrier by rotating the plunger to urge the terminal portion outwardly as taught by Harrison into the recess of the die of the device of Robinson & Sons Limited because these steps would result from the use of the device of Robinson & Sons Limited in view of Harrison in its normal and expected fashion while ensuring even distribution of the force pushing the rolled over portion into the die to prevent any possible unevenness in the diameter of the enlarged base. Regarding Claim 27, Robinson & Sons Limited further disclose the step of providing a paper yarn carrier comprises a cylindrical paper yarn carrier 7 defining an inner surface and an outer surface on opposite sides thereof, and at least one end of the yarn carrier folded inwardly to form a rolled over portion 12 on the inner surface at a terminal portion of the yarn carrier (Figures 4C and 4D; Page 4, Lines 11-19).

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson & Sons Limited in view of Harrison as applied to claim 23 above, and further in view of Lynch. Robinson and Sons Limited is silent about the step of rotating the yarn carrier comprising positioning a rotatable mandrel within the yarn carrier at an opposite end to said plunger and rotating the mandrel. However, Lynch discloses a

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rotatable mandrel within a yarn carrier (Figure 3; Column 4, Lines 14-51). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the rotatable mandrel as taught by Lynch in the device of Robinson & Sons Limited in view of Harrison and rotate the yarn carrier by rotating the mandrel because this step would result from the use of the device of Robinson & Sons Limited in view of Harrison and further in view of Harrison in its normal and expected fashion.

Allowable Subject Matter

Claim 24 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William E. Dondero whose telephone number is 571-272-5590. The examiner can normally be reached on Monday through Friday 7:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on 571-272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Kathy Matecki
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